



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,543	01/27/2004	Warwick W. Lawrie	2286-003	1644

4678 7590 11/17/2005  
MACCORD MASON PLLC  
300 N. GREENE STREET, SUITE 1600  
P. O. BOX 2974  
GREENSBORO, NC 27402

EXAMINER

CHEN, JOSE V

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/765,543

Applicant(s)

LAWRIE, WARWICK W.

Examiner

José V. Chen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claims 7, 14 reciting a pair of spaced apart rigid rods adjacent opposite ends of the tool area extending substantially the length of the pad and parallel to the opposite sides in addition to a pair of rigid rods extending the length of the pad and parallel to opposite sides of the pad for reducing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

Art Unit: 3637

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a pair of rigid rods extending substantially the length of the pad and parallel to opposite sides of the pad for reducing flexibility of the pad along the direction parallel to the rods while, at the same time, permitting flexibility of the pad along the direction perpendicular to the rods **and** a pair of spaced apart rigid rods adjacent opposite ends of the tool area extending substantially the length of the pad and parallel to opposite sides of the pad for reducing flexibility of the pad along the direction parallel to the pad along the direction perpendicular to the rods.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims call for a flexible pad and a pair of rigid rods extending substantially the length of the pad and parallel to opposite sides of the pad for reducing flexibility of the pad along the direction parallel to the rods while, at the same time, permitting flexibility of the pad along the direction perpendicular to the rods **and** a pair of spaced apart rigid rods adjacent opposite ends of the tool area extending substantially the length of the pad and parallel to opposite sides of the pad for reducing flexibility of the pad along the direction parallel to the pad along the direction perpendicular to the rods. However, the drawings and specification fail to define such structures and to define how such is done.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3637

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen. The patent to Chen teaches structure as claimed including flexible pad (20), pair of rigid rods (211) extending the length of the pads and parallel to the sides of the pads for reducing flexibility of the pad along the direction parallel to the rods, a rectangular parts area.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7, 10, 14, 15, 16, 21, so far as defined, rejected under 35 U.S.C. 103(a) as being unpatentable over Chen. The patent to Chen teaches structure substantially as claimed, as discussed above, so far as definite including a parts tray. The number and direction of orientation of the rods and dimensions of the rods to provide different

Art Unit: 3637

degrees of flexibility would have been obvious and well within the level of ordinary skill in the art since such limitations are engineering strength and materials decisions which are routinely made.

Claims 5, 6, 11, 12, 13, 17, 18, 22, 23, 24 so far as defined, rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Matay et al. The patent to Chen teaches structure substantially as claimed, as discussed above, including a parts tray the only difference being that the tray does not include vertical side walls to preclude movement of objects placed thereon, receptacle structure and a magnetic sheet. However, the patent to Matay et al teaches the use of providing vertical side walls, receptacles and a magnetic sheet to prevent objects from movement off the tray. It would have been obvious at the time of the invention to modify the structure of Chen to include vertical side walls, receptacle structure and a magnetic sheet, as taught by Matay et al since such structure is used in the same intended purpose, thereby providing structure as claimed. The dimensions of the rod to provide different degrees of flexibility would have been obvious and well within the level of ordinary skill in the art since such limitations are engineering strength and materials decisions which are routinely made.

Claims 8,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen as applied to the claims above, and further in view of Chamberlain et al. The patent to Chen teaches structure substantially as claimed as discussed above including a tray surface, the only difference being that there are no ridges on the surface to preclude movement of objects placed thereon. However, the patent to Chamberlain et

Art Unit: 3637

al teaches the use of providing ridges to preclude movement of objects placed on a surface to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Chen to include ridges, as taught by Chamberlain et al since such structure is used in the same intended purpose, thereby providing structure as claimed.

Claims 9, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen as applied to the claims above, and further in view of Morset. The patent to Chen teaches structure substantially as claimed as discussed above including a tray surface, the only difference being that there are no serrations on the surface to preclude movement. However, the patent to Morset teaches the use of providing serrations to preclude movement. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Chen to include serrations, as taught by Morset since such structure is used in the same intended purpose, thereby providing structure as claimed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Testa et al, Mayhew et al, Padovano, Shupe et al, Demaio et al teach structure similar to applicant's.

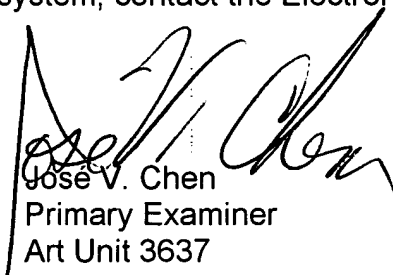
Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (571)272-6865. The examiner can normally be reached on m-f, m-th 5:30am-3:00pm.



Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jose V. Chen  
Primary Examiner  
Art Unit 3637

Chen/jvc  
11-14-05

Application/Control Number: 10/765,543  
Art Unit: 3637

Page 9